

In re application of: Daniel R. Malone  
Application No.: 10/679,028  
Filed: October 3, 2003

Examiner: James J Debrow  
Art Unit: 2176

Confirmation No. 1498  
Docket No.: 03-021  
Customer No.: 37420

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **APPEAL BRIEF**

This Appeal Brief is provided in support of the Notice of Appeal filed February 21, 2007. Authorization is hereby granted to charge the required Small Entity fee for filing this Appeal Brief to Deposit Account 502765.

### **I. Real Party in Interest**

The real party in interest is VistaPrint Technologies Limited, a wholly owned subsidiary of VistaPrint Limited.

### **II. Related Appeals and Interferences**

There are no related appeals or interferences.

### **III. Status of Claims**

Pending claims 1, 3-11, and 13 have been finally rejected and are the subject of this appeal. No other claims are pending. Claims 2, 12 and 14-15 have been cancelled.

#### **IV. Status of Amendment**

An Amendment after Final Rejection was filed on February 21, 2007 to address objections raised by the Examiner in the Final Rejection and to cancel two claims. An advisory action was mailed March 12, 2007 indicating that the amendment was entered, but did not place the application in condition for allowance.

#### **V. Summary of the Claimed Subject Matter**

The pending claims relate to computer-implemented methods and programs for facilitating the creation of a second template that incorporates modifications made by a user to the component elements of a first template.

In the custom document creation embodiment disclosed in the pending application, a number of pre-designed templates having various combinations of layouts, images, color schemes, and so forth are provided for selection and use by a user as the starting point for further customization to create a personalized document ([0004], [0025]). As discussed at [0028], each template (for example, template 300 in Fig. 3) is internally maintained as a set of separately defined, individually selectable template component elements, such as a template color scheme, template layout, template design effects, and template font scheme. The purpose and content of these various component elements are described at [0029].

When a user selects a particular template to initiate a custom product design session, a product description identifier (602 in Fig. 6, [0034]) is assigned to that user's custom document design and the assigned product description identifier is associated with the identifiers of the component elements of the selected template. Therefore, product

description identifier will initially be associated with the identifiers 604-614 of the various component elements of the selected template.

The user is allowed to then modify template 300 by replacing one or more of the original template component elements with other component elements. (Controls 310 in Fig. 3 are provided to the user for this purpose.) Each time the user uses one of controls 310 to select a different component element, the corresponding identifier for that component is associated with the product description identifier 602 and the displayed template image is updated to reflect newly selected element

This form of modular template definition and structure allows template component elements to be applied to other templates to create matching product designs. For example, as discussed at [0038], the component element choices made by the user to the template for the front side of a folded card can be automatically applied as the corresponding component elements for the template of the inside of the folded card. The user is, therefore, not required to repeat component element selections for each template, reducing the burden on the user.

As another example, discussed at [0040], if a user is designing a new product and desires that the template for the new product have a similar look and style to the look and style of a custom document previously designed by the user, component element identifiers from the desired earlier document (e.g., 502, 504, or 506 in Fig. 5) can be applied as the component element identifiers of the document currently being designed, again saving the user the time and effort of manually repeating the element selections.

As yet another example, discussed at [0041]-[0042], the component elements of a document can be automatically used, without user request, to generate and display a matching template for a different product of possible interest to the user (e.g., template 804 for a matching return address label).

#### Independent Claim 1

Claim 1 recites receiving a user request to initiate a product design session using a selected template (step 902 in Fig. 9, [0025], [0044]), in response to the request, associating a product description identifier with a plurality of component element identifiers (product description identifier 602 and component element identifiers 604-614 in Fig. 6, step 904 in Fig. 9, [0044]), each component element identifier identifying a component element of the selected template ([0028], [0034]-[0036]), displaying the selected template to the user (template 300 in Fig. 3, [0026]), providing one or more tools allowing the user to change at least one component element of the template (controls 310 in Fig. 3, [0031], in response to each user change of a component element, associating the element identifier of the new component element with the product description identifier and modifying the displayed template to reflect the change (step 906 in Fig. 9, [0031], [0036]), using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template (steps 908 and 914 in Fig. 9, [0035]-[0038], [0041]-[0042]), and displaying the different template to the user (template 400 in Fig. 4, template 804 in Fig. 8)

#### Independent Claim 8

Claim 8 recites receiving a user request to initiate a product design session using a selected template (step 902 in Fig. 9, [0025], [0044]), in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template (step 904 in Fig. 9, [0044]), displaying the selected template to the user (template 300 in Fig. 3, [0026]), displaying to the user identifiers associated with one or more earlier products associated with the user (502, 504 and 506 in Fig. 5, [0040]) and in response to user selection of one of the earlier product identifiers, associating at least one of the component element identifiers of the selected

earlier product with the product description identifier and modifying the displayed template to reflect the change [0040].

#### Independent Claim 11

Independent claim 11 recites a computer program product ([0021]-[0023], downloadable design tool 106 in Fig. 1), embodied on a computer readable medium (memory 111 in Fig. 1), the product being adapted to perform the method recited in independent claim 1.

#### Independent Claim 13

Independent claim 13 recites a computer program product ([0021]-[0023], downloadable design tool 106 in Fig. 1), embodied on a computer readable medium (memory 111 in Fig. 1), the product being adapted to perform the method recited in independent claim 8.

### **VI. Grounds of Rejection to be Reviewed on Appeal**

Whether Claims 1, 3-11, and 13 are unpatentable under 35 U.S.C. 103(a) over Friedman (US 2003/0208556 A1) in view of Fuwa (US 2005/0102151 A1)

### **VII. Argument**

**Claims 1, 3-11, and 13 are not unpatentable under 35 U.S.C. 103(a) over Friedman in view of Fuwa**

#### Independent Claim 1 and Dependent Claims 3-7

Turning first to the cited references, Friedman discloses a system allowing a user to input text for combination with a template image. The Friedman user first chooses a template (a greeting card product in the disclosed embodiment) from a set of templates

provided by the service provider (See Fig. 6A). The user is then allowed to edit the three sides of the card product by adding and positioning personalized text entries. The user is provided font tools allowing the user to select a desired font and modify the font size, color and style (See Figs. 6C-6D and [0087]).

In applying Friedman to claim 1, the Examiner asserts that Friedman discloses four features recited in the claim: (a) receiving a user request to initiate a design session using a selected template, (b) displaying the selected template to the user, (c) providing one or more tools allowing the user to change at least one component element of the template, and (d) in response to each user change of a component element, associated the element identifier of the new component element with the product description identifier and modifying the displayed template to reflect the change. Applicants will not dispute the teaching of Friedman regarding the first three elements, but respectfully disagree that Friedman teaches the fourth feature.

Claim 1 specifies two actions that are taken in response to each user change of a component element: (a) associating the element identifier of the new component element with the product description identifier and (b) modifying the displayed template to reflect the change. Friedman teaches only the second of these actions, not the first. The Examiner acknowledges this on page 4 of the Final Rejection, where the Examiner states that Friedman does not disclose associating a product description identifier with a plurality of component element identifiers.

Turning now to Fuwa, the Examiner asserts that Fuwa teaches the claim features of (a) in response to the request to initiate a product design session, associating a product description identifier with a plurality of component element identifiers, each component identifier identifying a component element of the selected template, (b) using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and (c) displaying the different

template to the user. Applicants respectfully disagree and submit that the Examiner's interpretation and comments regarding Fuwa are not supported by the Fuwa disclosure and that Fuwa does not contain the teachings that are ascribed to it by the Examiner.

Fuwa discloses an online system for the creation and ordering of personalized rubber stamps. The stamp face design is defined in Fuwa as the stamp "template" (line 17-18 of Fuwa [0031]). To customize the template, the Fuwa user first selects a basic template design (Fig. 12). The user then inputs the user's name and address information to be incorporated into the stamp template (Fig. 14). At the same time the user is allowed to select other properties of the physical stamp, such as grip color and ink color. The Fuwa user is not allowed to directly specify a font, but is allowed to choose from eight different versions of the stamp template generated by the Fuwa server (Fig. 15), using eight different fonts.

As support for the Examiner's assertion that Fuwa teaches associating a product description identifier with a plurality of component element identifiers, the examiner refers to Fuwa [0037]-[0039] and states "Fuwa teaches how products are classified into broad categories (product description identifier), and each category is classified into sub-categories (component element identifier)." In this comment, the Examiner is applying expansive and arbitrary interpretations of "product description identifier" and "component element identifier" that are at odds with the clear meaning and consistent use of those terms by Applicants. Applicants' product description identifier ([0034]) is described and consistently used to refer to an identifier that is associated with an individual user's product design session, not a category of products. Similarly, Applicants' component element identifiers ([0028], [0034]) are described and consistently used to refer to template component elements, such as the template layout, image, fonts and the like, not to sub-categories of products.

As support for the Examiner's assertion that Fuwa teaches using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, the Examiner refers to the Fuwa template database and states on page 5 of the Final Rejection that "the Examiner concludes that each different template has a common element identifier in that the different templates are all stamps." Applicants disagree. The fact that multiple templates are intended to be used on stamps cannot properly be deemed an element identifier as that term is used by Applicants. Furthermore, regardless of whether or not the fact that the templates relate to stamps is considered to be an element identifier, the claim recites using at least some of the element identifiers as element identifiers of a different template. In other words, the claim recites that multiple element identifiers are used in the different template, not just one.

Finally, in support of the Examiner's assertion that Fuwa teaches "displaying the different template to the user", the Examiner refers to Fuwa [0034] and states "Fuwa teaching the image creating portion includes a preview creating portion, which creates preview image data on a stamp face." While Fuwa teaches displaying of a stamp template to a user, the mere displaying of templates is not what is being claimed. The claim recites the displaying of a different template (i.e., not the initially selected template) that uses at least some element identifiers from a first template.

In summary, neither Friedman nor Fuwa provide the teachings that the Examiner attributes to them and, whether these references are viewed alone or in combination, they do not disclose the subject matter of claims 1 and 3-7.

#### Independent Claim 8 and Dependent Claims 9-10

In applying Friedman to claim 8, the Examiner asserts that Friedman discloses three features of the claim: (a) receiving a user request to initiate a design session using a selected template, (b) displaying the selected template to the user, and (c) in response



to user selection of one of the earlier product identifiers associated with the user, associating at least one of the component element identifiers of the selected earlier product with the product description and modifying the displayed template to reflect the change. Applicants respectfully disagree that Friedman teaches the third of these elements. As was the case with claim 1 discussed above, this assertion is contradicted by the Examiner's own admission on pages 7 and 8 of the Final Action that Friedman discloses neither associating a product description identifier with a plurality of component element identifiers nor displaying identifiers associated with one or more earlier products associated with the user.

The Examiner relies on Fuwa as teaching the claim 8 features of (a) in response to the user request, associated a product description identifier with a plurality of component identifiers, each component element identifier identifying a component element of the selected template and (b) displaying to the user identifiers associated with one or more earlier products associated with the user.

Regarding the first of these features, on page 8 of the Final Action the Examiner cites Fuwa [0038]-[0039] and applies an arbitrary and unsupported meaning to the terms "product description identifier" and "component element identifier" that disregards Applicants' consistent use of the terms. As discussed above in connection with claim 1, there is no basis for interpreting product description identifier as applying to a general category of products and no basis for interpreting component elements as product subcategories.

Regarding the second of the features that the Examiner asserts is taught by Fuwa, the Examiner refers to Fuwa [0041]-[0042] and alludes to the customer management database. This database (Fig. 4 in Fuwa) is solely for internal stamp vendor purposes. Nothing in Fuwa discloses or suggests that any portion of the contents is displayed to the user, as is recited in claim 8.

In summary, neither Friedman nor Fuwa provide the teachings that the Examiner attributes to them and, whether these references are viewed alone or in combination, they do not disclose the subject matter of claims 8-10.

Independent claim 11

Independent claim 11 recites a computer program product adapted to perform the method of claim 1. For the same reasons as stated above in connection with the discussion of claim 1, claim 11 is likewise considered to be patentable.

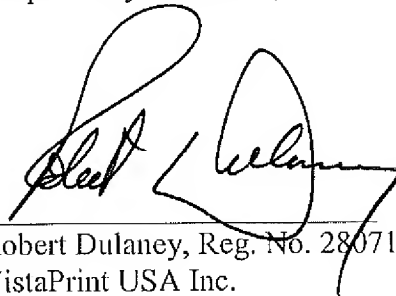
Independent claim 13

Independent claim 13 recites a computer program product adapted to perform the method of claim 8. For the same reasons as stated above in connection with the discussion of claim 8, claim 13 is likewise considered to be patentable.

**Conclusion**

Applicant respectfully submits that each claim 1, 3-11 and 13 are patentable and reversal of all rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Dulaney", is written over a horizontal line.

Robert Dulaney, Reg. No. 28071  
VistaPrint USA Inc.  
100 Hayden Avenue  
Lexington, MA 02421  
Phone: 781-652-6360  
Fax: 781-652-6092

Date: April 23, 2007

### **VIII. Claims Appendix**

1. A computer-implemented method comprising  
  
receiving a user request to initiate a product design session using a selected template,  
  
in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template,  
  
displaying the selected template to the user,  
  
providing one or more tools allowing the user to change at least one component element of the template,  
  
in response to each user change of a component element, associating the element identifier of the new component element with the product description identifier and modifying the displayed template to reflect the change,  
  
using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and  
  
displaying the different template to the user.
3. The method of claim 1 wherein the different template is a template for a different side of the same product currently being designed by the user.

4. The method of claim 1 wherein the different template is a template for a different product.
5. The method of claim 4 wherein the template for the different product is created without user request.
6. The method of claim 5 wherein the template for the different product is displayed to the user without user request.
7. The method of claim 5 further comprising providing a means whereby the user can initiate an order for the production of the different product.
8. A computer-implemented method comprising  
receiving a user request to initiate a product design session using a selected template,  
in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template,  
displaying the selected template to the user,  
displaying to the user identifiers associated with one or more earlier products associated with the user, and

in response to user selection of one of the earlier product identifiers, associating at least one of the component element identifiers of the selected earlier product with the product description identifier and modifying the displayed template to reflect the change.

9. The method of claim 8 wherein the earlier product identifiers are thumbnail images of at least a portion of the earlier products.

10. The method of claim 8 wherein the earlier product identifiers are displayed in response to a user request.

11. A computer program product embodied on a computer readable medium, the computer program product comprising computer code adapted to

receive a user request to initiate a product design session using a selected template,

in response to the request, associate a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template,

display the selected template to the user,

provide one or more tools allowing the user to change at least one component element of the template,

in response to each user change of a component element, associate the element identifier of the new component element with the product description identifier and modify the displayed template to reflect the change,

use at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and display the different template to the user.

13. A computer program product embodied on a computer readable medium, the computer program product comprising computer code adapted to

receive a user request to initiate a product design session using a selected template,

in response to the request, associate a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template,

display the selected template to the user,

display to the user identifiers associated with one or more earlier products associated with the user, and

in response to user selection of one of the earlier product identifiers, associate at least one of the component element identifiers of the selected earlier product with the product description identifier and modifying the displayed template to reflect the change.

**IX. Evidence Appendix**

None

**X. Related Proceedings Appendix**

None